IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

GUARDIAN PETITION NO.96 OF 2005

Prashant Prakash Dhotre ...Petitioner

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Mr.V.B.Ghorpade for Petitioner.

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CORAM: A.M.KHANWILKAR, J.

JULY 13, 2005.

P.C.

1. Petitioner is the elder brother of the minor. The mother of the minor expired on 16th May 1992 and the father of the minor expired on 26th April 2003, leaving behind, the Petitioner and the minor. Inspite of notice, no one has appeared to resist this Petition, nor any reply has been filed opposing the claim of the Petitioner.

2. As the minor is presently under the care and custody of the Petitioner, Petition deserves to be allowed. In the circumstances, following order is passed.

(1) The Petitioner is appointed as guardian (without security and remuneration) of the minor Kum.Jyoti Prakash Dhotre.

(2) 50% of the amount lying in the account of the deceased Prakash Pandurang Dhotre in State Bank of India, Jacob Circle Branch at Mumbai in Savings Account No.01190022574 be deposited with the Accounts Officer, High Court, Mumbai, which shall be invested in any Nationalised Bank in fixed deposit till the minor attains majority.

(3) Petitioner will be entitled to withdraw and use the amount towards interest accrued on the said amount for the upbringing, education and maintenance of the minor child.

(4) Petitioner is granted liberty to apply to this Court for claiming relief as may be advised.

A.M.KHANWILKAR, J.